Coming to Terms with Cannabis

A Discursive History of the 1937 Marihuana Tax Act

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Marijuana is the same as Indian hemp, hashish, or cannabis. Marijuana is the Mexican term. The plant was known to the Greeks as nepenthe. Its use in Egypt has been common since ancient times and has continued down to the present. The natives of Malay Peninsula while under its effect have been known to engage in violent and bloody deeds with complete disregard for their personal safety."

-Chief Paul E. Madden, California Division of Narcotic Control, 1940

On the night of 6 October 1937, Denver field agents of the Federal Bureau of Narcotics (FBN) apprehended Samuel R. Caldwell on suspicion of cannabis peddling. Caldwell was the first accused violator of the newly passed Marihuana Tax Act which made it a federal crime, as of 1 October 1937, to handle cannabis-hemp without first registering and paying a fee to the United States Treasury Department. Harry J. Anslinger, Commissioner of the Treasury's seven year-old Bureau of Narcotics, claimed to have witnessed the 58 year-old man's arrest, which he said involved "gunplay." Forty-eight hours later, a grand jury swiftly indicted Caldwell, and a court soon convicted, sentencing him to four years at Leavenworth Penitentiary plus a $1,000 fine. Presiding U.S. District Judge J. Foster Symes expressed his opinion during sentencing, where once again Anslinger was present, that "Marihuana destroys life itself."3

Two months earlier, in August 1937, Newsweek magazine featured an article about the case of Victor Licata, "a Florida youngster [who] put the axe to his mother and father" while supposedly under the influence of marihuana.4 This horror story was accompanied by a statement that, despite the uses of cannabis in fiber, varnish oil, birdseed, and medicine, Representative Robert L. Doughton (D-North Carolina), the Marihuana Tax Act's Congressional sponsor, "was interested in Cannabis sativa because it is a dangerous and devastating narcotic known to the Orient as hashish, to the Occident as marihuana."5

Thus after several thousand years of benign, unimpeded cultivation and consumption throughout the world, cannabis-hemp came under sustained assault in the first half of the twentieth century. With roots in the Temperance/Prohibition movement, Commissioner Anslinger's drug criminalization regime rhetorically redefined cannabis-hemp as a lethal scourge imported by nefarious, nonwhite, non-Christian or non-Western others, particularly Mexican and Latino immigrants. Using a Mexican colloquialism translated to English as "maryjane," Treasury

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1 California Division of Narcotic Enforcement, Marihuana: Our Newest Narcotic Menace (Sacramento: California State Printing Office, 1940), 3.
Department and FBN policymakers deliberately renamed cannabis “marihuana” and reclassified the ancient commodity as a new and deadly “narcotic.”

The FBN promoted use of propagandistic rather than scientific phrasology in order to facilitate the weed’s linguistic conversion into an unknown yet dangerous “drug,” while highlighting its supposedly foreign and “un-American” nature. This terminological preference was embedded within a larger discursive matrix centered on the convoluted etymological and mythological associations between “cannabis,” “assassin” and “hashish,” an orally ingested preparation of resin extracted from dried cannabis flowers. This unique etym-mythology discursively linked an eleventh century Persian military sect—the notorious Hashishin, or Assassins—with the hashish they allegedly consumed before or after obediently murdering the enemies of their master, Sheik Hassan Sabah, known prominently in European folklore as the Old Man of the Mountain.

Having transposed the etym-mythological derivation of “assassin” from Crusade folklore into the eighteenth and nineteenth century European colonial context, policymakers and their allies cleverly grafted its racistal connotations onto the Mexican “marijuana menace” of early twentieth century United States sociopolitical discourse. During the buildup to federal cannabis legislation,

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6 For more on this, see Associated Press, “House Approves Curb On Use of Marihuana,” Washington Post, 15 June 1937, 11. The report announces the details of the proposed legislation while repeating a House Ways and Means Committee conclusion that cannabis, regardless of its established industrial applications, “is being used ‘by hardened criminals to steal them to commit violent crimes’ and that unscrupulous persons peddle it to high school children.”

7 One of the original sources of information about the Hashishin was the Marco Polo text “Concerning the Old Man of the Mountain.” According to this tale, Sheik Hassan Sabbah, the Old Man, recruits young fighters into an Edenic garden where he intoxicates them with hashish and then orders his essentially hypnotized Assassins to go out and kill his political opponents. It is unclear in the multifarious versions of the story whether the Sheik used hashish in order to disorient his men, sustain their ability to commit murder, or reward them for successful assassinations. Neither is it certain that the intoxicant employed by Sabbah was even hashish at all and not opium, for instance, or how widely it was distributed. The basic sources and details of this folkloric Crusade discourse will be discussed further in the essay, yet the important point here is that the word “assassin” developed into its current English language usage through this etym-mythological process whereby the Sheik’s notorious fighters were labeled by Europeans as the “Hashishin.” Thus arose the fundamentally intertwined development of a European ideological mindset associating hashish not only with its direct linguistic progeny-assassination, but also numerous other forms of depravity that were inscribed into the discourse during the colonial era, and re-inscribed in the course of early twentieth century, US-led international narcotics control. While the Washington Post’s “unscrupulous” schoolyard marihuana peddlers bear a haunting resemblance to the mythologized image of Hassan Sabbah using hashish to lure young men into his hilltop fortress, an equally vivid connection exists between the original Assassin discourse and contemporary depictions of hypnotized assassins such as in the Manchurian Candidate films (1962, 2004) or the parody on television’s The Simpsons in 2001. For that matter, the unremitting allegations that Robert F. Kennedy’s 1968 assassination was carried out through Central Intelligence Agency operatives who hypnotized Palestinian-born Sirhan Sirhan, currently imprisoned for the presidential candidate’s murder, is strikingly consonant with the concept of assassination popularized through the evolving etym-mythology initiated through “The Old Man of the Mountain.”

Historicizing the Marihuana Tax Act

Shortly after Harry Anslinger’s retirement, sociologists Howard Becker (1963), Alfred R. Lindesmith (1965), and Donald T. Dickson (1968) initiated academic discourse regarding the origins of federal cannabis legislation. These brief studies were followed by more in-depth analysis in the writing of psychiatrist and historian David F. Musto (1973) and law-professors Richard J. Bonnie and Charles H. Whitebread (1974). Sociologists John F. Gallihner and Allyn Walker (1977) and Jerome L. Himmelstein (1983) also contributed significantly to the debate. They were followed by criminologist John C. McWilliams (1990). Sociologist Michael C. Elsner (1994) and History M.A. candidate John Craig Lupien (1995) have made important additions to the literature as well. While not an exhaustive list, the work of these authors constitutes the essential scope of scholarly inquiry into the subject. They were printed thirteen times between 1985 and 2000, in addition to Jack Herer’s popular and highly polemical work.8


Coming to Terms with Cannabis
It is sufficient in this context to briefly sketch the interconnected set of developments that authors have established and debated as contributory factors in the passage of the 1937 Marihuana Tax Act. The seminal 1960s literature focused on the bureaucratic need for uniformity of existing state laws and expansion of state-level reform, as well as the powerful administrative role of Anslinger and the Federal Bureau of Narcotics’ publicity and propaganda campaign. The 1970s studies added another dimension to this story by exposing the xenophobia among politicians and law enforcement officials in Southwestern states where Mexican and Latin American immigration deeply affected social and economic relations. Musto, Bonnie and Whitebread began interrogating the influence of Anslinger’s involvement with international narcotics control efforts through the League of Nations and the general influence of Depression-era politics, including the failed prohibition of alcohol in the development of federal anti-cannabis legislation. Authors Herer and Lupien, meanwhile, examine the provocative yet thinly supported hypothesis that the forces of Treasury Secretary Andrew Mellon, William Randolph Hearst, and I.E. Du Pont De Nemours & Company were at the center of a conspiracy involving Anslinger to create a legislative pretext for eliminating hemp production as a competitor of the lumber and emergent synthetic textiles industries. Not enough attention has thus far been paid to the specific function of a discursive apparatus which became constitutionally embedded within the twentieth century anti-cannabis matrix. This discourse was rooted in the explosive interaction between Shiite soldiers and their Crusader counterparts, a discourse which evolved throughout time into an etym-mythology of hashish-smoking Muslim “assassins” that terrorized the imagination of Christendom.

Historicizing the Hashish-Assassin Etym-Mythology

Only authors McWilliams, Bonnie, and Whitebread discuss the importance of the “assassin” etymology at any length, yet both texts fail to grasp that, although based in mythologized developments, the etymological derivation of “assassin” is firmly rooted in the word “hashish.” While these works offer an entryway into more comprehensive investigation of the discourse connecting “hashish” and “assassin” as it was applied in twentieth century cannabis prohibition, their efforts require revision and expansion. Far from being a discredited or purely mythological


9 McWilliams cites writings by Dr. A. E. Fossier and New Orleans District Attorney Eugene Stanley who “related the myth (since discredited) of the military and religious sect of the Assassins of Persia that in 1090 A.D. ‘committed secret murders in blind obedience to the chief after [becoming] intoxicated with hashish.’” McWilliams adds that Commissioner Anslinger “related the same tired story of marijuana having originated with the Assassins of Persia a thousand years ago” (McWilliams, 48-9). Bonnie and Whitebread, while also disputing the veracity of the story, observe that “Nevertheless, throughout the period of marihuana prohibition, medical journals, pharmacology texts, popular articles, official government statements, newspaper reports, and legislative testimony all recounted a version of this tale,” adding that “no small role in this [linkage between crime and cannabis use] was played by the alleged etymology of the word ‘assassin’” (Bonnie and Whitebread, 143-5).

ARI CUSHNER
construct, as John Ayto writes, “Etymologically, an assassin is an ‘eater or smoker of hashish,’ the drug cannabis.”10

The etymological trajectory of “assassin” is corroborated by at least three scholars in the fields of medieval history and linguistics.11 A brief consultation of these and similar sources reveals that the convoluted authenticity of the hashish-assassin etymological connection, however distorted and mythologized, highlights the manner in which anti-cannabis discourse was molded and implemented during the 1930s, and underscores the historical significance of this unique terminological and discursive constellation.12

Cannabis in World Historical Context: 2700 B.C.E.-1900 C.E.

The reefer and muggles [marihuana] of today are of the same origin as the bhang of the Arabian Nights and the hashish of certain nineteenth century voluptuaries. Parts of the Indian hemp plant have been known as intoxicant since earliest times, and its abuse had been practiced widely throughout the Mediterranean littoral and in India. Depravity has always been and still is the only motive for its habitual use.

-Fred T. Merrill, Foreign Policy Association, 193813

Cannabis-hemp was likely first cultivated for fiber in western China several millennia before the Common Era. From China, the plant diffused rapidly throughout the Afro-Eurasian landmass, first appearing in western Europe as early as 1500 B.C.E. In the ancient Mediterranean world, the Greeks and Israelites were both familiar with cannabis-using cultures, yet Judeo-Christian communities continued to use cannabis-hemp primarily for agricultural purposes. Many

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11 Charles E. Nowell, “The Old Man of the Mountain,” Speculum 22 (1947); Kevin M. McCarthy, “The Origin of Assassin,” American Speech 48 (1973); Juliette Wood, “The Old Man of the Mountain in Medieval Folklore,” Folklore 99 (1988). Nowell argues that “Presumably the dagger-men of Hassan’s sect were given this [hashish] as a stimulant to their murderous work. But the connection between hashish and ‘Assassin’ was slow to penetrate the European mind” (499). McCarthy contends that “[t]he generally accepted etymology of assassin has recently been challenged...[yet] assassin can be derived from Arabic hashashin, as the OED [Oxford English Dictionary] states” (77). Meanwhile, Wood contends that “[t]he use of hashish was incorporated into the practices of the Assassin sect. In actuality, it was probably not used too frequently, but its place in the legendary material attached to the Hashishin is very important” (79).

12 Nowell’s article provides the basis for sophisticated examination of the historical realities of the infamous Assassins, from their founding in the eleventh century at Sabbah’s castle, Alamut, to their subsequent division into two Shiite branches based in Syria and Persia (Iran) fighting against Sunni Arab rivals as well as Christian Crusaders. Considering the Assassins equivalent to Crusade secret societies such as the Knights Templar, Nowell establishes that “[n]ot until the first part of the nineteenth century did the orientalist, Silvestre de Sacy, work out the etymology of ‘Assassin’ so thoroughly that no doubt has remained” (500). This is particularly significant given that “orientalism,” as discussed by Edward Said, pervaded the discourse surrounding the Assassin and hashish use generally from the nineteenth century through to Nowell’s 1947 article, with a distinctly racist undertone, to Wood’s 1988 subtly prejudiced conclusion that the terrorist activities of the Assassins are frequently cited in Arabic chronicles” (78).


Coming to Terms with Cannabis
researchers have contended that the Old Testament of the Christian Bible (Hebrew Torah) makes numerous references to cannabis, such as the “honeycomb” mentioned in the Song of Solomon 5:1, and elsewhere as “calamus.”

Hindus established the use of cannabis as an intoxicant throughout India as early as 1,000 B.C.E., and from there it spread into Arab and Mediterranean vectors by 10 C.E., through southern Russia, Assyria, and Persia. According to Edward Brecher, cannabis was cultivated widely for fiber in Europe by the seventeenth century, while “[t]he first definite record of the marijuana plant in the New World dates from 1545 C.E. when Spaniards introduced it into Chile.” Brecher adds that “[i]t has been suggested, however, that African slaves...brought the seeds with them to Brazil even earlier in the sixteenth century.” There is no doubt that Jamestown colonists brought cannabis-hemp with them to the New World in 1619, where it became a valuable American crop especially useful as a fiber for the rigging on ships.

In the nineteenth century, the value of hemp and the strength of its industry went into decline with the invention of the cotton gin. By the mid-nineteenth century, people in the United States were surrounded by hemp, both cultivated and wild, throughout states such as Mississippi, Georgia, California, South Carolina, Nebraska, New York, and Kentucky. Extractum Cannabis was listed as an official medicine in the United States Pharmacopeia from 1850-1942. The noticeable practice of marijuana smoking did not develop north of the Mexican border until the early twentieth century, although cannabis was used for religious or recreational purposes as early as 1856—mainly in the form of hashish, with secretive hash-smoking dens arising in large cities such as New York by 1881. Regarding this unique physical and linguistic diffusion of cannabis-hemp throughout the world, John Ayto explains that:

*Hemp* is ultimately the same word as *cannabis* (as, bizarrely, is *canvas*, which was originally made from hemp). Both go back to a common ancestor which produced Persian *kanab*, Russian *konóplya*, Greek *kánabí* (source of English *cannabis*), and prehistoric Germanic *khani* or *khanapiz*. From the latter are descended German *haf*, Dutch *hanep*, Swedish *hampa*, Danish *hamp*, and English *hemp*.

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15 Brecher, 398-412. Also based on Brecher’s account, George Washington not only grew cannabis-hemp at Mt. Vernon, but apparently indicated in diary entries that he separated his male and female plants (403). By today’s standards, this action would indicate intent to increase the potency of female plants by preventing their being pollinated by nearby male plants thus producing “sinsemilla,” or buds “without seeds.” It is thus possible, if not also likely, that Washington was aware of the psychoactive and medicinal properties of his crop.
16 Brecher, 403.
17 Bonnie and Whitebread, 1, 32; Brecher, 408-9.
18 Ayto, 279.
Emergence of the Marihuana Menace: 1900-1930

Despite its ancient historical roots, cannabis-hemp did not appear significantly in the United States public consciousness until the turn of the twentieth century, when policy-makers facilitated its rhetorical transplantation from the hashish of the Assassins to the marijuana associated with Latino dissidents like the Mexican revolutionary soldiers of Pancho Villa and the rebel forces of Simón Bolivar.  

A 1905 Washington Post article, “Terrors of Marihuana,” encapsulates the irreverent attitude of the press towards cannabis, stating that “[c]uriosity has often been expressed as to the cause of the peculiar mental traits of Latin-American warriors and revolutionists which lead them to view ‘North America’ as a monster of hideous shape and ungovernable appetite.” The reason for these rebellious delusions “is found in… a strange weed which flourishes in Venezuela. This plant is the marihuana.” Admonishing Venezuelan president General Cipriano Castro and his adviser Col. Lamedo, who “in seeking trouble with the United States are a manifestation of this mysterious trait,” the authors warn that “[i]f they do not break themselves of the [marijuana] habit, their visions may materialize in the shape of ironclad monsters belching fire and nickel-nosed balls in the heavily mortgaged harbors of the sons of Bolivar.” The author thus warns that “[t]hey must forswear marihuana, and live cleanly, as patriots should.” “The next stage of intoxication [after euphoria] is full of terrors,” the article continues. “Lions, tigers, panthers, and other wild beasts occupy his vision.” Using fantastical imagery that recalls and signifies the Assassin discourse, the article concludes that “[t]hese wild animals are then attacked by hosts of devils and monsters of unheard-of shapes. The [marihuana] smoker becomes possessed of superhuman strength… It is at this stage of the debauch that murders are committed.”

Washington Post articles from the following year continued presenting the image that marijuana was wreaking havoc south of the U.S. border. A 1913 piece argued that “[t]he revolution in Mexico has brought with it not only the ravages of war, but also the degradation of the social conditions of soldiers and prisoners” through marijuana addiction. Continuing this theme, in 1914 the Post published an article entitled “Weeds That Cause Insanity: Danger to United States Troops Lurks in Vegetation of Mexico.” Its author argues that “[o]ne of the things to be avoided by American soldiers in Mexico is the seductive marihuana weed,” warning that “people addicted to marihuana finally lose their minds and never recover.” Disruptions in the wake of the world war and Mexican Revolution produced a new stream of Mexican immigrants into the United States during the 1920s, which

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20 Johnson, “Simón Bolivar (1783-1830).”
21 Johnson, “Simón Bolivar (1783-1830).”
22 Johnson, “Simón Bolivar (1783-1830).”
24 “Terrors of Marihuana.”

Coming to Terms with Cannabis
triggerea increased public and governmental attention to the legendary ravages of cannabis. In 1924 the Washington Post ran a feature story in which the author, inspired by discursive connections between hashish and marihuana, symbolically transplants the “killer weed” from the Old to the New World by indicating that “imported into Mexico from India and Egypt, it [marihuana] has been the scourge of the lower classes. Into the cities of Texas and other Southern States, the dread dope has followed the Mexican element, causing untold death and trouble.”

To further drive home the point, the author draws a sharp yet nebulous parallel between the two foreign drugs, writing that “hashish behind closed doors” produces no more weird reaction than the exotic Mexican dope. This accounts for the popularity of Marihuana to a large extent, for the Arabians consider Hashish as the fountain of all voluptuousness and material pleasures.” In its conflation of Japanese, Chinese, Indians, and Egyptians with Mexicans as users and purveyors of the exotic and toxic drug, the article, entitled “Mystery of the Strange Mexican Weed,” fuses anti-marijuana with anti-hashish imagery in a manner that illuminates the etymological function of public anti-cannabis discourse. A 1928 Washington Post article datelined from Chicago demonstrates further cross-fertilization between the images of hashish and marijuana. It claims that “Marijuana (Mary Jane) the devastating Mexican drug, is said to be wrecking members of the Chicago Federation of Musicians in addition to thousands of other users...It is related to hemp and hashish, the dope so common in India and Persia.” A few months later the Post ran another article with a headline, placed directly above the visual of a Mexican marijuana patch, that read: “Widespread Indulgence Among Mexicans and Americans in Deadly Narcotic That Produces Hypnotic Hilarity—It Is Found in Flowered Tops of Indian Hemp—Another Drug Evil to be Combated.”

After illustrating who grows marihuana, where, and for what purposes, the author


28 The written text appears beneath a visually stunning array of graphics dominated by the image of a group of four men crowded and sprawled around a burning cauldron from which emanates the fiery image of a horned Lucifer looking down and pointing at the one man standing, who signifies a stereotypical Mexican by his dress accented by a sombrero. One of the man’s hands points towards the fire while in the other he holds what appears to be a blade. A second man lays either dead or unconscious in the foreground while a third, obscured by shadows, stirs the devilish brew as a fourth man crouches frightfully in the corner. This horrific depiction of degenerate Mexicans is adjacent to a picture of a military infantry division dug-in at a trench in a gun battle, next to a caption describing how “[m]arihuana brings all the cruelty that is in a man to the fore. It gives him a desire to fight and unlimited confidence. Mexican generals give it to their soldiers before going into battle, and a soldier under its influence may die in his tracks but will never turn back.” An accompanying illustration graphically depicts a cloaked man pulling a mule next to the caption, “[a]t the right, a Japanese, who are said to be the greatest smugglers, is shown crossing the Rio Grande with a muleload of the contraband.” Readers are informed that “[s]moked like tobacco, the pungent fumes seep into the brains of the smokers and bring delusions of grandeur and visions of wealth, and, worst of all, uncontrolled viciousness that leads to fights and murders” (“Mystery of the Strange Mexican Weed,” SM7).

29 “Mystery of the Strange Mexican Weed,” SM7.


ARI CUSHNER
traces the evil directly back to the land of “Indian Hemp” and emphasizes the etymological motif by claiming that marihuana “is an old world drug masquerading in the New World under a new name...In Arabia and Persia...it is known as hashish. It is from the hashishians, the users of hashish, that our word ‘assassins’ has come.” More than just strategic publicity and propaganda, this racialized discourse was deeply rooted in prevailing sociopolitical undercurrents stretching back centuries.

The Immediate Discursive Origins of the Marihuana Tax Act: 1930-1937

Marihuana has no therapeutic or medicinal value that can not better be replaced by other drugs. It serves no legitimate purposes whatever. For thousands of years it has been known in Persia as hashish...from which we get the word assassin. Another word we get from the characteristics of this drug is the word amuck, and the phrase ‘running amuck.’ ‘Amok’ means kill and was the word that the native of Malay would shriek as he, maddened by hashish, would, dash down the street in a murderous frenzy.

-Clarence Beck, Kansas Attorney General, 1938

In 1930 Harry J. Anslinger became the first Commissioner of Narcotics, bringing with him a background as foreign diplomat, spy, Prohibition agent, Mafia combatant, and stalwart anti-Bolshevik. The Treasury Department had already elevated Anslinger in 1929 from second-in-command of the Narcotics Division to acting head of narcotics enforcement after a corruption scandal in New York rocked the department and forced its chief, Col. Levi Nutt, to resign. Anslinger was thus already technically in charge when he accepted his appointment as Commissioner from the powerful Du Pont and J.P. Morgan affiliated banking magnate and Republican Secretary of the Treasury, Andrew Mellon, who also happened to be his future uncle-in-law.

Having ascended the throne of Drug Czar, Anslinger was in position to weigh various options in regards to the federal control of cannabis. While most anti-narcotics enforcers and reformers favored the prohibition of marihuana, federal legislation proved elusive up to the early 1930s due to a combination of environmental, sociopolitical, and economic factors. Cannabis had been viewed as

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32 Clarke, SM6.
34 Before taking control of the new FBN, Harry Anslinger had served at many levels of government including as member of the State Department diplomatic corps. Fluent in both Dutch and German, Anslinger had been sent to inform Kaiser Wilhem II that the U.S. government did not wish for the German monarch to abdicate his throne at the close of World War One, fearing that Social Democrats would incite chaos if he were exiled. Anslinger, who according to John McWilliams “was knowledgeable in the clandestine operations of organized smuggling rings...and... [participated] in intelligence operations in Western Europe during World War I,” also participated during World War Two in the formation of the Office of Strategic Services (OSS)—forerunner of the Central Intelligence Agency—and had a “long-standing relationship” with the first CIA director, General “Wild Bill” Donovan. Given these connections to intelligence and espionage, it many, upon further research, be necessary to reconsider the nature Anslinger’s role in crafting anti-marihuana legislation, and his potentially sinister motivations (McWilliams, 15, 21, 29).
35 McWilliams, 28-42; Musto, 206-9.

Coming to Terms with Cannabis
an intrastate issue not applicable to national and international narcotic trafficking regulations. Similarly, the plant grew wild throughout the country and thus, unlike poppy or coca-derived drugs, was produced domestically without dependence on foreign importation. Furthermore, the multiple industrial applications of cannabis—hemp were unique obstacles to the development of federal legislation.

A 1931 Associated Press report related Anslinger’s lamentation that “the plant [is] being grown so easily that there is almost no interstate commerce in it,” which would make federal anti-cannabis legislation technically unconstitutional. Thus, the best available option for Anslinger and the Treasury Department bureaucracy was to support state level control efforts and favor federal cannabis prohibition in the future, when the sociopolitical climate of the nation might permit it. Treasury and FBN officials thus facilitated the passage of state-level legislation organized through the Uniform State Narcotic Act. While not mandating inclusion of cannabis, Anslinger’s bureaucratic team offered an optional anti-cannabis clause in the legislative template the FBN advertised to state officials. This was likely designed as a precursor to the eventual development of a federal marijuana prohibition scheme.

First in support of the Uniform State Narcotic Act, and then for what became the Marihuana Tax Act, Anslinger organized a network of politicians, bureaucrats, and social and religious reformers dedicated to uprooting the marijuana menace. Often referred to as “Anslinger’s Army,” this veritable anti-cannabis cabal included members of the Women’s Christian Temperance Union, Foreign Policy Association, World Narcotics Defense Association, and media outlets such as the sensational Hearst Press.

Aided by a backlash against nonwhite immigrants competing for increasingly scarce employment, the “marijuana problem” moved rather swiftly into the bureaucratic void created by the 1933 repeal of the Eighteenth Amendment. In a 1934 New York Times article concerned with the perceived use of cannabis in combination with alcohol and its growing influence within youth culture, the author describes how “the drug is particularly popular with Latin Americans and its use is rapidly spreading to include all classes.” The author suggests that individual states like Colorado, which had had an anti-cannabis law on the books since 1927, were mysteriously acquiescing to the foreign marijuana menace. The Times article adds that “[t]he seriousness of the problem, growing out of laxity in enforcing State laws barring the drug, is indicated by the fact that it is the same weed from which the Egyptian hashish is made.”

This FBN directed anti-cannabis discourse purposefully exaggerated the rise of youth marijuana consumption in order to instill immediate outrage throughout the

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37 McWilliams, 56.
38 Bonnie and Whitebread, 100.
40 “Use of Marihuana Spreading In West,” B6.

ARI CUSHNER
Washington D.C. political establishment and spread fear among middle-class Americans. In 1935 The Washington Post ran a feature article informing readers that “Marihuana—a habit forming drug—is a weed which was originally imported from Mexico, but which is now grown on this side of the Rio Grande,” adding incorrectly: “The Spanish word, ‘marihuana,’ means in English, ‘merry widow.’” Nearby is a series of pictures including the headshot of a stereotypical Chinese opium addict, resting on top of a proportionally enlarged opium pipe, on top of a caption reading: “The type of men narcotic agents must deal with in their war to stamp out the drug evil.”

This discursive textual linkage between marijuana and opium accentuates an underlying impression that cannabis, with its birthplace in China, is somehow related both to the threat of Mexican marihuana-smoking hordes, as well as the infamous “Yellow Peril” posed by opium-smoking Chinese immigrants. There is an implicit association between the opium derived from poppies and hashish derived from the resin of flowering cannabis buds grown throughout Asia and the Middle East.

In this same manner, mythologized accounts of the Assassins were woven into the sensationalized anti-cannabis discourse of the 1930s. Rather than Hassan Sabbah using hashish to recruit young soldiers for political murder, shady foreign-born peddlers recruited school children into lives of crime and debauchery after selling them marijuana cigarettes, and axe-wielding maniacs like Victor Licata chopped up family members under the weed’s influence. Mexican and other immigrants replaced Muslims in this stereotyped formulation. Both posed a violent and intolerable threat, as did the plant they smoked.

During the 1935 Congressional session, Senator Hatch and Congressman Dempsey of New Mexico introduced twin bills, S.1615 and H.R.6145, to prohibit cannabis in interstate and foreign commerce. While neither of these bills reached the floor of Congress, this was the first signal that the Treasury Department officially endorsed federal anti-cannabis legislation. Once the necessary state laws were firmly in place, the Treasury commenced a series of special meetings in order to develop the legislation that would become the Marihuana Tax Act.

The “Conference on Cannabis Sativa L.”

On the morning of 14 January 1937, Harry Anslinger and his colleagues convened an official “Conference on Cannabis Sativa L.” Highlighting the discursive implications of their planning session, consulting Treasury chemist and meeting co-chair Dr. Herbert J. Wollner announced that their purpose was “to set up a definition of terms with reference to what we generically refer to as the marihuana problem, in a sufficiently clear style and sufficiently competent as to be significan:

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42 Atwell, F6.

43 Bonnie and Whitebread, 119.

Coming to Terms with Cannabis
Ex Post Facto

from a law enforcement point of view. All those in attendance either worked for the government or functioned as official consultants to the Treasury Department. In addition to Anslinger and Wollner, the other main participants were chemists, pharmacologists, and lawyers.

The discussion revolved generally around strategy for the most expedient and successful way to present their case before Congress and to preempt potential legal challenges. Wollner admitted to his colleagues that "in pursuit of an answer to this general problem of defining terms, you get very little satisfaction. For every negative statement made there is a positive one made to counteract it." Indeed, scientists at the time possessed only rudimentary knowledge of the complex chemical, biological, and pharmacological properties of cannabis. Wollner continued: "We haven't a problem akin to the morphine or opium problem... the state of definitive knowledge [about those substances] does not obtain with regard to cannabinoids, which, again, some people dispute the existence of." Scientists did not yet know that the primary chemical agent in cannabis, out of approximately 400-500, is isolated in the intricate compound delta-9-tetrahydrocannabinol, known as THC. Ironically, Dr. Wollner would be largely responsible for this very discovery in 1942.

Perhaps sensing Wollner's underlying frustration, Dr. Lyster Dewey, a representative from the Department of Agriculture, found it necessary to give his colleagues some historical perspective, and in so doing, set the stage for a heated debate about correct terminology. "It is the oldest plant described—at least 2700 B.C. That description has come down without question to the present time." Thus Dr. Wollner was inspired to suggest avoiding stigmatized terminology, asking whether "we [can] get away from the use of the term marihuana?" Treasury lawyer Alfred L. Tennyson responded that "[w]e just happened to mention it as a general term," prompting Wollner to reply, "I think we would be on sounder ground if we left in the scientific name Cannabis Sativa Linne." Assuming that the scientists in the room might be ignorant of legal nomenclature, a lawyer from the General Counsel's office, S.G Tipton, remarked that "[i]n a statute you can pick a term and define it as you please. Marihuana struck us as a good short form. Its meaning in any other regard would be of no consequence." Tipton's claim that the government had no interest in the propagandistic value of using "marihuana" rather than "cannabis" was, however, dubious. Later in the meeting, Tipton would reiterate to Anslinger, horror stories in the way of negative publicity.

46 Cohen and Inaba, 171.
48 "Conference on Cannabis Sativa L."
49 "Conference on Cannabis Sativa L."
50 "Conference on Cannabis Sativa L."
51 "Conference on Cannabis Sativa L."

ARI CUSHNER
Ex Post Facto

By the end of this exchange, Tennyson was convinced of Dr. Wollner’s position and asked, “[d]on’t you think, in order to be a little more scientific, we might call it Cannabis?” Yet such moderated efforts would prove unable to match the force of Anslinger’s anti-cannabis propaganda campaign. Wollner announced that using the term ‘marihuana’ “is technically unsound and wrong, but that’s up to you [legal] men to decide.” Decide they did. R.L. Pierce, a Treasury lawyer, signaled the legal team’s direction when he asked rhetorically, “[i]sn’t there some advantage [as far as sensationalizing the threat of cannabis] in using the popular term marihuana?”

The draft text of the bill presented to the House of Representatives a few months later read in part, “[t]he term ‘marihuana’ includes all parts of the plant Cannabis Sativa L...the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.” In the minds of policymakers attempting to define terms that would generate Congressional support for cannabis prohibition, propaganda value trumped science.

The Congressional Hearings

The Treasury Department’s General Counsel, Herman Oliphant, was given the task of drafting proposed legislation in order to craft an effective smokescreen for efforts to outlaw cannabis. Oliphant would incorporate a synthesis of wording from the 1914 Harrison Narcotics Act, which “required all legitimate handlers of narcotics to register, pay an occupational tax, and file information regarding their use of the drugs,” and the 1934 National Firearms Act, which stipulated “all manufacturers, dealers and importers of firearms [read gangsters] should register and pay special taxes ranging from $200 to $500.” The text of the bill was then transferred to sympathetic channels in the House of Representatives, particularly those with jurisdiction over proposed tax measures.

On 27 April 1937, Chairman of the House Ways and Means Committee, North Carolina Democrat Robert L. Doughton, introduced H.R.6385—The Marihuana Tax Act. Most, if not all, members of the committee were aware that the Department of the Treasury and its Bureau of Narcotics concocted the nominal revenue-generating measure in order to pave the legal road for the federal prohibition of cannabis. The Treasury Department’s Assistant General Counsel, Clinton M. Hester, opened the testimony by introducing the bill’s technical features and reading from several newspapers. Included in the articles was a recent Washington Times editorial stating

52 “Conference on Cannabis Sativa L.”
53 “Conference on Cannabis Sativa L.”
54 “Conference on Cannabis Sativa L.”
55 “Conference on Cannabis Sativa L.”
56 Committee on Ways and Means, Taxation of Marihuana: Hearings Before the House of Representatives, House of Representatives on H.R. 6385, 75th Cong., 1st sess., (Washington D.C.: GPO, April/May 1937), 8. (From this point on, I will refer to this as “Taxation of Marihuana”).
57 Taxation of Marihuana, I.
58 Bonnie and Whitebread, 163-4.

Coming to Terms with Cannabis
that "the fatal marihuana cigarette must be recognized as a deadly drug and American children must be protected against it."\textsuperscript{59}

Amid the hegemony of the committee hearings that took place on April 27-30 and May 4, the Treasury Department produced a staged-managed event where lawyers, chemists, and lawmen, among others, controlled the information being transmitted to the largely ignorant, though not wholly disinterested, legislative body. After the first day of hearings, the remaining time was devoted to smoothing over various wrinkles, while only one hostile witness testified. Nonetheless, certain textual elements of the hearings provide significant insight into the foundational role of the etym-mythological anti-cannabis discursive apparatus. Commissioner Anslinger began his testimony by stating that:

The drug is as old as civilization itself. Homer wrote about it as a drug that made men forget their homes, and that turned them into swine. In Persia, a thousand years before Christ, there was a religious and military order founded which was called the Assassins and they derived their name from the drug called hashish which is now known in this country as marihuana. They were noted for their cruelty, and the word 'assassin' very aptly describes the drug.\textsuperscript{60}

After immediately establishing a prominent link between cannabis and the hashish used by the legendary Muslim Assassins, Anslinger announced that "marihuana is the same as Indian hemp" and reiterated to members of Congress that "we seem to have adopted the Mexican terminology, and we call it marihuana."\textsuperscript{61} As if needing to legitimize to himself the specious yet crucial connection, Anslinger repeats later in his remarks that "Marihuana is the same as Indian hemp, hashish."\textsuperscript{62} A short way into his statement, Anslinger read from a 1936 Washington Post health editorial column describing marijuana as an "intoxicant with the most vicious propensities."\textsuperscript{63} Then returning to his edifying theme, the Commissioner described how "history relates that in the eleventh century a remarkable sect of Mohammedans established themselves as a powerful military unit under the leadership of a sheik who led his marauding band to victory while under the influence of hemp."\textsuperscript{64}

Perhaps worried that the connection would somehow still be lost on lawmakers, Anslinger also included a reprise of the Assassin etym-mythology in his addendum of additional statements submitted in writing:

The origin of the drug is very ancient. In the year 1090 A.D., the religious and military order or sect of the Assassins was founded in Persia and the numerous acts of cruelty of this sect were known not only in Asia, but in

\begin{footnotes}
59 Taxation of Marihuana, 6.
60 Taxation of Marihuana, 18-9.
61 Taxation of Marihuana, 18-9.
62 Taxation of Marihuana, 18.
63 Taxation of Marihuana, 21-2.
64 Taxation of Marihuana, 21-2.
\end{footnotes}
Ex Post Facto

Europe as well. This branch of the Shiite sect, known as Ismalites, was called Hashishan, derived from hashish, of the confection of hemp leaves ‘marihuana.’ In fact, from Arabic Hashishan we have the English word ‘assassin.’

Anslinger ends this section with a related yet entirely false legend that “natives of the Malay Peninsula have been known, while under its [cannabis’] influence, to rush out and engage in violent and bloody deeds...to run ‘amok’ in the Malay Peninsula is synonymous with saying one is under the influence of this drug.”

A few paragraphs later Anslinger again reminds the committee that “it is said that Mohammedan leaders, opposing the Crusaders, utilized the services of individuals addicted to the use of hashish for secret murders.” Anslinger concludes his additional statements with a well-traveled essay by New Orleans parish district attorney Eugene Stanley, “Marihuana as a Developer of Criminals,” which further recounts the etymological roots of “assassin.” It includes sensationally that “it [hashish] is mentioned in the Arabian Knights.” As part of his reliance on the Assassin discourse, much of the supposed evidence Anslinger presented to Congress was from his suspiciously thin and haphazard file of drug-related crimes. The Commissioner’s favorite tale of marihuana-induced depravity was the particularly gruesome case of Victor Licata:

A twenty-one-year-old boy in FLORIDA killed his parents, two brothers and a sister while under the influence of a Marihuana “dream” which he later described to law enforcement officials. He told rambling stories of being attacked in his bedroom by his ‘uncle, a strange woman and two men and two women,’ whom he said hacked off his arms and otherwise mutilated him; later in the dream he saw ‘real blood’ dripping from an axe.

Uninterested in evidence that the accused had a prior history of mental illness, Anslinger recorded the Licata story in a manner suggestive of his ingrained fascination with the Assassin etym-mythology. Anslinger thus set a biased tone that lawmakers willingly emulated. Treasury consultant, Dr. James C. Munch of Temple University, opened the second day of Congressional hearings, testifying as an expert witness. Once becoming aware, however, that Munch’s experiments had only measured the effects of cannabis on dogs and other animals, Representative John

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65 Taxation of Marihuana, 29.
66 Taxation of Marihuana, 29. This confusion over the Malaysian etymology of “Amok” is, along with constant references to “Egyptian Hashish” and “Indian Hemp,” a further example of how the modern Euro-American understanding of cannabis was refashioned in line with prior colonial strategies of classification and control.
67 Taxation of Marihuana, 30.
68 Taxation of Marihuana, 38.
69 McWilliams, 52.
70 McWilliams, 54.
McCormack of Massachusetts found it appropriate to steer his line of questioning in another direction:

Mr. McCormack: I understand this drug came in from, or was originally grown in, Mexico and Latin American countries.
Dr. Munch: 'Marihuana' is the name for Cannabis in the Mexican Pharmacopoeia. It was originally grown in Asia.
Mr. McCormack: That was way back in the oriental days. The word 'assassin' is derived from an oriental word or name by which the drug was called; is not that true?
Dr. Munch: Yes, sir.
Mr. McCormack: So, it goes way back to those years when hashish was just a species of the same class which is identified by the English translation of an oriental word; that is, the word 'assassin'; is that right?
Dr. Munch: That is my understanding.71

Rep. McCormack’s somewhat confused reasoning is illustrative of how continual reverberation of the hashish-Assassin discourse mesmerized bureaucrats, lawmakers, and public commentators alike.

On 4 May, the final day of committee hearings, legislative council to the American Medical Association, Dr. William C. Woodward, gave singularly hostile testimony against passage of the bill, arguing that it would encumber future medical research while unfairly burdening doctors. Woodward was harangued by the committee for favoring amendment of the 1914 Harrison Narcotics Act to include cannabis, yet still managed to deploy an enlightened condemnation of the government’s nefarious use of propagandistic language:

I use the term “Cannabis” in preference to the word ‘marihuana’, because cannabis is the correct term for describing the plant and its products. The term “marihuana” is a mongrel word that has crept into this country over the Mexican border and has no general meaning, except as it relates to the use of Cannabis preparations for smoking. It is not recognized in medicine, and I might say that it is hardly even recognized in the Treasury Department.72

Treasury Department officials were perfectly deliberate in their decision to use modern Mexican slang rather than the long-established scientific terminology. Allies in Congress and elsewhere happily followed the Treasury’s script.73

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71 Taxation of Marihuana, 47-9, 51.
72 Taxation of Marihuana, 90.
73 Attached at the very end of the committee transcripts was a letter authored by Elizabeth Wright, the widow of Dr. Hamilton Wright, former U.S. Opium Commissioner and acknowledged progenitor of domestic narcotics legislation. Mrs. Wright bore the title of Special Representative to the Bureau of Narcotics. Congressmen would read her letter, if they chose, as the very last word on the marijuana matter. She wrote: “I am surprised there should be any opposition to the Doughton bill...Marihuana is the American form of the familiar and insidious hashish or Indian hemp which has been associated in

ARI CUSHNER
Marihuana Tax Act sailed through the House Ways and Means Committee without objection, after minor modifications at the behest of the birdseed and paint industries. As H.R.6909, the bill moved up to the full House of Representatives where, in hearings on 10 June, lawmakers displayed their ignorance and acceptance of dogma:

**Mr. Snell:** What is the bill?

**Mr. Rayburn:** I believe it has something to do with something that is called marihuana. I believe it is a narcotic of some kind.

**Mr. Fred. F. Vinson:** Marihuana is the same as hashish.\(^{74}\)

The House then dutifully sent the bill into a subcommittee of the Senate Committee on Finance. On 12 July the subcommittee, heard and approved an updated version of the Act.\(^{75}\) This formulaic session foreshadowed the unanimous senatorial consent that would deliver the bill to President Roosevelt's desk the following month. The man who orchestrated the New Deal was probably pleased about signing the Marihuana Tax Act into law on 2 August 1937.

**Assassinating the “Killer Weed”**

In July 1937 *The American Magazine* ran an article co-authored by Commissioner Anslinger and Courtney Cooper entitled “Marihuana, Assassin of Youth.”\(^{76}\) Anslinger and Cooper began their rhetorical attack with a familiar sounding etym-mythological refrain establishing the drug’s lethality:

The sprawled body of a young girl lay crushed on the sidewalk the other day after a plunge from the fifth story of a Chicago apartment house. Everyone called it suicide, but actually it was murder. The killer was a narcotic known to America as marijuana, and to history as hashish.\(^{77}\)

The authors reminded readers that marijuana “was introduced into the United States from Mexico, and swept across America with incredible speed...a record of murder and terror running through the centuries.”\(^{78}\) Perhaps most prescient of all is their final admonition that “America now faces a condition in which a new, although

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\(^{74}\) Bonnie and Whitebread, 173-4.


\(^{76}\) Harry J. Anslinger and Courtney Cooper, “Marijuana, Assassin of Youth,” The American Magazine (July 1937), 19, 150.

\(^{77}\) Anslinger and Cooper, 19, 150.

\(^{78}\) Anslinger and Cooper, 19, 150.
ancient, narcotic has come to live next door to us." Just as Sheik Sabbah reputedly enticed his Assassins into his service, Commissioner Anslinger lulled other anti-cannabis crusaders into combat with repetitive use of the etym-mythological discourse.

An interwoven set of sociopolitical and economic factors converged in the early twentieth century and, at the height of the Great Depression, while the international community mobilized for war, coalesced into a federal legislative assault on cannabis-hemp. A diffusion of propagandized information about the supposed horrors of this new narcotic formed the foundational discursive apparatus around which a popular image of the "Killer Weed" was constructed and reified. Yet lacking solid evidence of the weed's dangerous effects, Commissioner Anslinger and his allies structured their discursive assault on cannabis around the conveniently prearranged etym-mythological constellation that conflated murderous 'Orientals' with hashish use.

This centuries-old discourse facilitated the hegemonic amplification of racially prejudiced ideologies, as lawmakers exploited the fact that the same substance that reputedly drove Muslim infidels to kill Christians was also present within the recreational habits of unwanted Mexican immigrants. This highly potent discursive formation of the "Killer Weed" permeated various structures of power and radiated from specific controlling apparatuses including the press, Congress, and eventually mainstream public opinion.

In 1937 the United States Treasury Department finally came to terms with its budding green nemesis and, at the same time, strategically set the parameters of future debate. Liberal reformers would not begin to resurrect cannabis until after Harry J. Anslinger's retirement in 1962. The etym-mythology of "assassin,"

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79 Anslinger and Cooper, 19, 150. Harry J. Anslinger and Courtney Cooper, "Marijuana, Assassin of Youth," The American Magazine (July 1937), 19, 150. Tellingly, "Marihuana, The Assassin of Youth" was also the original title of the now cult-classic, 1937 Dwan Esper film since facetiously retitled Reefer Madness. The now somewhat humorous movie was part of a series of films, including the 1936 "Marihuana: Weed with Roots in Hell," directed and produced by Esper with apparent assistance from Harry Anslinger's FBN. While contemporary society generally refers to the 1930s and 1940s propaganda campaign as "Reefer Madness," the propagandists themselves regarded cannabis as the "Assassin of Youth."

80 For instance, on 5 December 1938, in room 3003 of the Internal Revenue Building, Commissioner Anslinger and Dr. Wollner once again presided over a cannabis conclave, this time far more comprehensive than the 1937 strategy session. No lawyers were among the approximately twenty-five men who, representing a wide cross-section of government and officialdom, included affiliates of the U.S. Food and Drug Administration, Bureau of Plant Industry, Bureau of Customs, Public Health Service, and the New York State Chief of Drug Control. This time around, Treasury Department officials touted their summit on cannabis-hemp as a "Marihuana Conference." No longer under pressure to make facts fit with desired federal policy, Dr. Wollner felt free to announce triumphantly that cannabis "peculiarly enough, had withstood competent attack for an extensive period of time." That is, until he and his colleagues succeeded in vanquishing their enemy. University of Wisconsin Professor of Agronomy, A.H. Wright, also sensed the newfound ability to speak candidly, stating to fellow conferees that "I would like to inject this thought here for I am sure it will do no harm, and that is that hemp... is not a large industry. It has had its ups and downs, but it has been an American industry since Colonial times, and it is one of the oldest crops that we have in the United States" ("Marihuana Conference," Schaffer Library of Drug Policy. 25 May 2005. <http://www.druglibrary.org/schaffer/hemp/taxact/1938_mhc.htm> (25 May 2005). Wright's comment thus illustrates how the modern cannabis canvas might be colored quite differently—perhaps with the red, white, and blue of Washingtonian patriotism—under a different set of circumstances, as was the case briefly during the government's 1942 "Hemp For Victory" campaign when Midwestern farmers were encouraged to grow cannabis as a strategic wartime supply.
meanwhile, found its way to the top of a CIA training manual, *A Study on Assassination*, apparently produced as a guidebook for political murder. Today, amid the U.S. Government’s interconnected “war on drugs,” “war on terror,” and persistent concern with immigration and border control, society is grappling more than ever with the profound repercussions of the etym-mythological discourse that attended passage of the 1937 Marihuana Act.


Coming to Terms with Cannabis